

Attorney's Docket No. 8675-5



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Dugan et al.
Appl. No.: 09/404,245
Filed: September 21, 1999
For: SPLITTABLE MULTICOMPONENT
ELASTOMERIC FIBERS

November 8, 1999

Assistant Commissioner for Patents
Washington, DC 20231

**PETITION TO GRANT FILING DATE
And To Refund Petition Fee**

Sir:

As set forth in MPEP §506.02, Applicant hereby petitions to grant the proper filing date of September 21, 1999 rather than September 22, 1999 for the above-identified patent application. The following is enclosed as evidence of September 21, 1999 being the correct filing date under 37 C.F.R. § 1.10:

1. A copy of the Cover Sheet for the Application showing the Express Mail Number;
and
2. A copy of the Express Mail Receipt marked by the United States Post Office as being mailed at 17:00 p.m. on September 21, 1999.

A copy of our return post card from the United States Patent Office shows that Applicant was improperly given the filing date of September 22, 1999 instead of September 21, 1999.

There is no error on the part of Applicant. Accordingly, Applicant respectfully requests the granting of September 21, 1999 as the filing date.

A check in the amount of \$130.00 in payment of the petition fee as set forth in 37 CFR §1.17(i) is enclosed herewith. Any additional fee may be charged or any overpayment credited to

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our Deposit Account No. 16-0605. Because no defect existed, however, Applicant also respectfully requests refund of the petition fee.



Respectfully submitted,

Melissa B. Pendleton
Registration No. 35,459

ALSTON & BIRD LLP
Post Office Drawer 34009
Charlotte, NC 28234-4009
Tel Charlotte Office (704) 331-6000
Fax Charlotte Office (704) 334-2014

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, DC 20231, on November 8, 1999.

Grace R. Rippy